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<p>RUDELL PRUITT</p> <p>PLAINTIFF,</p> <p>v.</p> <p>CITY OF JERSEY CITY, GABRIEL MOREANO, SGT. J. RANSOM, HEAD DOES AND JOHN DOE (s) (1-4)</p> <p>DEFENDANT.</p>	<p>SUPERIOR COURT OF NEW JERSEY HUDSON COUNTY – CIVIL DIVISION DOCKET NO.:</p> <p><u>CIVIL ACTION</u></p> <p>COMPLAINT AND JURY DEMAND</p>
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Rudell Pruitt, an African American male with an address at 206 Monticello, Jersey City, New Jersey 07304, by way of Complaint says:

PARTIES

1. The City of Jersey City and its Court, Prosecutors and Police Department is a place of public accommodation and is a corporate entity and a municipal politically allowed entity to be a defendant under N.J.S.A. 10:5-1 et seq. N.J.S.A. 10:6-2 (c). It was created under the laws of New Jersey and at all times in this Complaint operated through its agents and employees under color of State law.
2. Defendant, Sgt. J. Ransom and Officer Gabriel Moreano at all times mentioned in this Complaint were a Police Officers employed by the City of Jersey City

and were acting in their capacity as agent employee of the City of Jersey City. They are joined officially and individually.

3. Head Doe and John Doe (present identities unknown) are parties Defendants who are agents and/or employees of Defendant, City of Jersey City who are joined as party Defendants both individually and officially who conspired, agreed, aided and abetted in their permissive environment which permitted Defendant's Sgt. J. Ransom, Gabriel Moreano, John Does (1-4) to assault Plaintiff and believe the City of Jersey City would protect them. These Defendants also negligently, recklessly, wantonly, intentionally, purposely, maliciously and in bad faith acted in the performance of their duties in facilitating:

- a. The assault on Plaintiff;
- b. The arrest of Plaintiff;
- c. The prosecution of Plaintiff
- d. The deprivation of Plaintiff's Civil Rights

FACTS

1. Plaintiff repeats all previous and hereafter paragraphs as if fully restated and incorporates same herein.
2. The City of Jersey City Police Department and its individual Police Officers are placed of public accommodations as defined by New Jersey law.
3. The City of Jersey City Courthouse and its employee-agents are a place of public accommodation as defined by N.J.S.A. 10:5-1 et seq.

4. On or about May 17, 2017, Plaintiff, Rudell Pruitt thereafter "Plaintiff" was lawfully on the premises of the public streets of Jersey City.
5. Plaintiff, on May 17, 2017 was lawfully on the street in or about Gifford Avenue, Jersey City when Jersey City Police Officer Defendants Gabriel Moreano, Sgt. J. Ransom, John Does (1-4) (present identities unknown);
 - a. Stopped Plaintiff;
 - b. Beat Plaintiff (assault and battery of Plaintiff);
 - c. Arrested Plaintiff;
 - d. Searched Plaintiff;
 - e. Imprisoned Plaintiff
6. The same Police also called him "one of the girls."
7. Said assault and battery on the person of Rudell Pruitt caused him to have an asthma attack and multiple bruises and pain over various parts of his body, including neuropathy, etc. (see medical report).
8. Plaintiff objected to the attack and treatment he received.
9. He was also called "faggot" by these Police Defendants, which is an attack by the Police Officers on Plaintiff because of his race and their perceived sexual preference of Mr. Pruitt.
10. Jersey City and its Police Department, street and Court, as well as the individual employees of same are all "places of public accommodation."
11. Defendants as places of public accommodation, the personnel must not treat people differently on the basis of race, color, national origin, perceived sexual

preference or in retaliation of one's objecting to unlawful activity (unlawful stop, search in violation of the 4th, 5th, and 14th Amendments of the U.S. Constitution.

12. Defendants actions committed individually, jointly by agreement and conspiratorially violates N.J.S.A. 10:6-2 (c), 42 USCA 1981, 1983, 1985, 1986, 1988, based upon the above statutory and constitutional violations of Mr. Pruitt's Civil Rights, all done under color of State law.

13. Mr. Pruitt was taken into custody by Defendants and was fingerprinted, mugshot, processed as if she were under arrest pursuant to a valid warrant which did not exist.

a. Same also violates N.J. Court Rules.

14. Mr. Pruitt submitted a Notice of Claim in the amount of \$2,500,000

15. Based upon the Defendants, individual actors, and action., they were obviously not properly supervised or trained in the constitutional, proper procedures of their above actions.

16. Plaintiff was charged with aggravated assault on a Police Officer (a crime) by Defendant Moreano, resisting arrest and unlawful possession of suspected marijuana.

17. The charges brought by Defendants against Plaintiff were false, known to be false, maliciously brought with invidious discriminatory intent with reckless disregard for the consequences of Defendants actions on Plaintiff.

18. The procedure, pattern and practice and policy of the City of Jersey Department as to allow their Officers to charge a person with aggravated assault on a Police Officer and resisting arrest against a person whom a Police Officer has assaulted.

This is the customary Police Officer's excuse for having to use the force employed against a party.

19. Thereafter, the charges were sent to the County where the charges were downgraded to disorderly persons charges (See attached Complaint).
20. Plaintiff was required to make several general appearances before the downgrade Court before the dismissal all charges against Plaintiff. Same is a favorable result for Plaintiff.
21. Thus, Plaintiff was maliciously and wrongfully prosecuted.

COUNT ONE
N.J. CONSTITUTION VIOLATION OF ARTICLE I,
PARAGRAPHS 1, 6, 7, 10, 18, 19

1. Plaintiff repeats the allegations of the aforementioned and hereafter paragraphs as if fully restated herein.
2. Defendants wrongfully restricting of Plaintiff's freedom and freedom of expression and wrongfully (libel and slander) accusing Plaintiff of a crime (defamation, libel, slander), while knowing said allegations to be untrue, cast Plaintiff in a false light, invaded his privacy. Defendants actions of assaulting Plaintiff because Plaintiff objected to the threatened unlawful use of unlawful force, amounted to threats of coercion.
3. Defendants continued required appearances in Court further restricted Plaintiff's freedom and entitlement to a speedy trial and caused him problems on being able to properly complete his cause of college study.
4. This cause of action is allowed under Peper v. Princeton, 77 N.J. 55 (1978).

5. As a consequence of Defendant's actions jointly severally and conspiratorially, with themselves and others, Plaintiff has been harmed, damaged and financially, physically and psychologically.

WHEREFORE, Plaintiff requests judgment for monetary damages, both past and future both compensatory and punitive with costs, interest and attorney's fees.

COUNT TWO
VIOLATION OF N.J.S.A. 10:6-2 (c)

1. Plaintiff repeats the allegations of the aforementioned and hereafter paragraphs as if fully restated herein.
2. The assault, threat of force and battery committed by Defendants upon Plaintiff on/or about May 17, 2017 was committed under color of Police authority of State law to arrest Plaintiff and in violation of the New Jersey Criminal statutes prohibiting assault and battery (N.J.S.A. 2C:12-1) and unlawful and excessive force. The entire wrongful stop was predicted upon Plaintiff being challenged for wearing saggy pants which is not complained.
3. As a consequence of the Defendant's ultra viros actions and the above, Plaintiff has been harmed physically, emotionally, monetary and forced to endure severe emotional distress.
4. Defendants by their actions committed under color of law, violated Plaintiff's Constitutional and Statutory rights including violations of N.J.S.A. 10:6-2 (c).

WHEREFORE, Plaintiff requests judgment for monetary damages, both past and future, both compensatory and punitive with costs, interest and attorney's fees.

COUNT THREE
VIOLAITON OF N.J.S.A. 10:5-4, 12(f), N.J.S.A. 10:1-2,
PLACE OF PUBLIC ACCOMMODATION

1. Plaintiff repeat the allegations of all paragraphs herein as if fully restated herein.
2. Defendants' entire interaction would not have taken place with Plaintiff if he had been perceived as a white "straight" person.
3. Defendants so attacked and prosecuted Plaintiff because he was a perceived black "gay" and it was believed they could get away with said interaction which might not be so easily overlooked if the Defendant's victim were a straight adult or white female.
4. Upon information and belief Defendant City and its high administrative agents were fully aware of Defendants' propensity to engage in said unlawful activities and never properly trained and supervised them to prohibit the actions that were taken against this Plaintiff. Defendants negligently, recklessly, wantonly hired, and failed to properly supervise and train Defendants as to the Attorney General guidelines with regard to use of force and the requirements of being a place of public accommodation.
5. As a consequence of Defendants' actions and omissions, Defendants have caused Plaintiff to suffer severe emotional distress, be assaulted and battered, be wrongfully and maliciously battered, imprisoned, arrested, falsely accused of crimes he did not commit which is net generally done to those who do not object to threats of violence made by Police.

WHEREFORE, Plaintiff requests judgment for monetary damages, both past and future, both compensatory and punitive with costs, interest and attorney's fees.

REQUEST FOR JURY TRIAL

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Plaintiff requests a jury trials pursuant to Article I, Paragraphs 9 of the New Jersey Constitution.

DATED: February 27, 2019

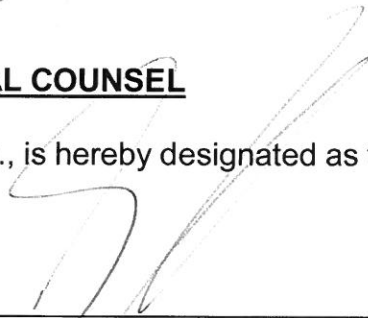


Eldridge Hawkins, Esq.

DESIGNATION TO TRIAL COUNSEL

Pursuant to R. 4:25, Eldridge Hawkins, Esq., is hereby designated as trial counsel for above matter.

DATED: February 27, 2019

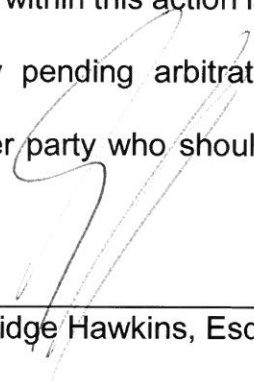


Eldridge Hawkins, Esq.

CERTIFICATION PURSUANT TO R.4:5-1

I hereby certify that the matter in controversy within this action is not the subject of any other actions pending in any Court or any pending arbitration proceeding in contemplated. I further certify that there is no other party who should be joined in this action.

DATED: February 27, 2019



Eldridge Hawkins, Esq.